

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**JOLANDI NICOLE KENNEDY and §  
MARVIN LEVY, INDIVIDUALLY and as §  
REPRESENTATIVE of THE ESTATE OF §  
MEAGHAN LEVY §**

**Plaintiffs, §**

**vs. §**

**OXYSURE SYSTEMS, INC., et al. §**

**Defendants. §**

**CAUSE NO. 3:16-cv-00065-B**

**DEFENDANT EXFO AMERICA, INC.'S  
MOTION FOR SUMMARY JUDGMENT**

NOW COMES Defendant EXFO America, Inc. and files this Motion For Summary Judgment:

**1. Motion For Final Summary Judgment:**

Defendant moves for an order granting a final summary judgment against Plaintiffs.

Summary judgment is proper in this case because there is no dispute of material fact and because Defendant is entitled to final judgment as a matter of law.

**2. Summary:**

Plaintiffs have sued Defendant in this products liability case claiming that this Defendant designed, manufactured, marketed, inspected, maintained and placed into the stream of commerce co-Defendant OxySure Systems, Inc.'s Model 615 portable oxygen chemical reactor system and cartridge. However, Defendant had no such role or responsibility in any of the areas listed. Therefore, summary judgment is proper.

3. **Basis:**

This Motion For Summary Judgment is based on the Brief In Support Of Motion For Summary Judgment, the summary judgment evidence attached by Appendix thereto, and all pleadings and papers on file.

Respectfully submitted,

/s/ Valerie A. Mosman

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**ATTORNEYS FOR DEFENDANT  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was served on counsel for Plaintiffs in accordance with the Texas Rules of Civil Procedure, on the 13<sup>th</sup> day of APRIL, 2016.

/s/ Valerie A. Mosman

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